IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 15554 of 2004

Between:

Aileni Ram Reddy, S/o. Veera Reddy,
R/o. Husnabad, Karimnagar District.

... PETITIONER

AND

1 The Joint Collector, Karimnagar, Karimnagar District.
2 Aileni Hanmi Reddy, S/o. Bal Reddy,
R/o. Husnabad, Karimnagar District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or Writ more particularly one in the nature of Writ of Mandamus DIRECTING the Respondent No.1 to consider and pass orders in Revision Petition No. D1/173/2004 DT. 5-1-2004 within two months from today by giving opportunity to all the parties to the Revision Petition and consequently declare the inaction of the 1st Respondent in passing any orders in I.A.No.D1/173/2004 DT. 5-1-2004 in Revision Petition No.D1/173/2004 Dt. 5-1-2004 as bad in law and against Principles of Natural Justice.

Counsel for the Petitioner: MR.B.SUDHAKAR REDDY & ASSOCIATES

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following Order:

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader appearing for the first respondent.

2. It is stated in the affidavit filed in support of the Writ Petition that on an application filed by the second respondent dated 08-01-2003 for rectification of the entries in the possession column in respect of Sy.No.227/C, the Mandal Revenue Officer, Husnabad vide Letter No.B/29/03, dated 05-08-2003 sought permission from the Revenue Divisional Officer for issuing instructions, but the R.D.O, instead of giving instructions to the M.R.O, Husnabad, converted the said letter into an appeal under Section 5(5) of the Record of Rights Act, 1971(for short 'the Act') and allowed the same, setting aside the order passed by the M.R.O mutating the name of the petitioner in the revenue records. Aggrieved by the same, petitioner filed revision before the second respondent and also filed an application on 05-01-2004 for suspending the order of the R.D.O, Karimnagar,
dated 09-12-2003. Though the first respondent entertained the revision petition, has not passed any orders on the same. It is stated that since no orders have been passed, second respondent is trying to evict the petitioner tenants from the suit schedule property. In view of the same, petitioner moved this Court complaining inaction on the part of the first respondent. Since the first respondent entertained the revision and I.A.No.D1/173/2004 on 05-01-2004, he has to follow the procedure and dispose of the I.A as well as the revision petition after due notice to the parties likely to be affected. The first respondent is hereby directed to dispose of the said application and the revision, if not already disposed of, within a period of three months from the date of receipt of a copy of this order, after due notice to the parties.

The Writ Petition is accordingly disposed of. No costs.

A. **GOPAL REDDY, J**

August 31, 2004

MRR/MURTHY

To:

1. The Joint Collector, Karimnagar, Karimnagar District.
2. Two C.C.s to the G.P for Revenue, High Court Buildings, Hyderabad (OUT).
3. Two C.D. Copies.